

STAT

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100030024-5

Next 1 Page(s) In Document Exempt

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100030024-5

"You Can't Have Liberty Without Limits"



*photograph courtesy of the Baltimore Sunpapers
Judge Thomsen*

quotes and comments about the Catonsville Nine trial

following a conversation with Judge Roszel Thomsen

"It was the most strenuous week I ever spent," said Judge Roszel Thomsen about the trial of the "Catonsville Nine." In October 1968 he presided over the trial of nine Roman Catholic pacifists who in May 1968 had taken 378 draft records of men in the 1-A category from the Catonsville Draft Board. They burned the records with homemade napalm in a wire basket in a nearby parking lot. The nine then joined hands and sang and prayed until the Baltimore County police arrived. They admitted what they had done but professed innocence because they were protesting the killing in Vietnam.¹

Interviewed at the trial Deputy U.S. Attorney Arthur G. Murphy was quoted as saying, "... I can understand now, after being exposed to these defendants, that there are some people who feel so deeply about their views and their concern about world affairs that they feel they're duty-bound to break the law."²

After the jury was dismissed from the courtroom, one of the defendants asked, "Why must we be judged on our intent to destroy records? We could have gone in by night and burned them. Our intention was to speak to our country." Judge Thomsen answered, "... Anyone must admire a person who is willing to suffer for his beliefs ... but he must expect to be convicted."²

Long lines of people waited to attend the trial. The courtroom held 500 people and was packed every day

and carefully guarded by armed U.S. marshals. Fifteen hundred people marched in a parade on the first day of the trial and held an anti-war rally downtown. Hundreds waited outside the courthouse while the trial progressed, but as Judge Thomsen noted, the "Baltimore peace group was not particularly aggressive." Inside the courtroom there were many nuns, priests and hippies. An "orderly bunch," remarked Judge Thomsen, "there was little evidence of any seriously subversive group." Armed guards stood outside the courthouse and a policeman with a German shepherd dog was stationed inside the Battle Monument across the street. One of the defendants, Dan Berrigan, was a member of the faculty at Cornell University, "a charismatic guy" said Judge Thomsen. Over 600 Cornell students were said to have journeyed to Baltimore for the demonstration. One Cornell student burned his draft card outside the courthouse.

Judge Roszel Thomsen is the father of Peggy Thomsen Moler '55. He was a principal speaker at the 1958 ceremony marking the 50th anniversary of the incorporation of R.P.C.S. He served from 1944 to 1954 as president of the Baltimore City School Board. From 1954 until 1967 he was chairman of the board of trustees of Goucher College.

As the trial began inside the defendants were brought in before the court formally convened, and were loudly applauded. During the trial Judge Thomsen gave them every opportunity to express their views. He explained, "The government indictment included a charge that the defendants' act had been done with intent to disrupt Selective Service. The defendants could say what their intent was. Therefore they could say whatever they wanted." The Judge added, "The defendants were upset because the jury couldn't be allowed to decide the case by conscience outside the law." But as he had said in court, "The law does not recognize some higher law as justification for a crime."²

The defendants were dedicated men, but, said Judge Thomsen, "I was equally dedicated to maintain the basic principles of American law."

One of the prosecutors, Assistant U.S. Attorney Barnett D. Skolnik was quoted, "I really was moved, terribly moved. There was this terrible conflict, the judge representing the world as it is, and the world as it must be if we are to live together in a civilized society, which is of course a good, and on the other hand another good, the world as it ought to be.

"Which is not to say that I believe the judge represents the status quo or that the law represents the status quo.

"The world as it is and the judge—they represent even-handed justice and equal application of the limitations of permissible behavior to all citizens.

"All the changes that society must make must be accomplished through law."²

U.S. Attorney Stephen Sachs was quoted as saying, "I think the bringing of prosecutions of this kind and the obtaining of convictions is enormously important.

"What dissenters who purposely violate the law are asserting, it seems to me, is the antithesis of the premises which underlie the American political system.

"There's an arrogance about that. In this country, unlike the totalitarian regimes, there is a concept of shared truth, the idea that the solution to a given social problem comes from lots of different sources.

"I really wonder if the defendants or their supporters, despite Judge Thomsen, have any real glimmer of the beauty and the tremendous generosity of the process that has been vindicated."

"In principle, what these people did is precisely what a lynch mob does.

"Of course these people were sincere. So, I suspect, was the guy who shot Bob Kennedy."²

The *Morning Sun* quoted Judge Thomsen as saying that the burning represented "a deliberate decision by the defendants to select what laws they will obey and what laws they will defy . . . none of us can have freedom unless people who disagree with governmental policy use legal means to express their disagreement."

The nine were tried and convicted and the case is

up for appeal. Judge Thomsen has received clippings about the case from all over the world. In a conversation about the case he remarked, "You can't have liberty without limits. . . . You can protest as much as you want so long as you don't engage in illegal activities. . . . Students should study history and they would see that the breakdown of existing order usually results in dictatorship."

As a lead to an article about this trial a *News American* feature writer quoted H. L. Mencken, "Injustice is relatively easy to bear; what stings is justice."²

¹The *Morning Sun*, October 9, 1968.

²The *News American*, October 13, 1968.



Mrs. Webb posed for this snapshot following the dinner given in her honor by the Board of Trustees.

Mrs. Webb Retires

The page one headline of the June 1968 *Red and White* read: "Mrs. Webb Ends 42 Years Here." In an editorial for the paper Miss Healy wrote:

"The retirement of Mrs. Webb is a turning point in my life, for we have stood shoulder to shoulder throughout eighteen years of sharing the pleasures and the discouragements of each day. Without her experience and capable planning no area of our school could function, for all these have been her province: the equipment in the classrooms and elsewhere, heat in winter and mowed grass in summer, the condition of the tennis courts and hockey field, the equipment and facilities for every assembly and function, the summer catalogue and winter notices sent to families, the details of the lunchroom, and the handling of every physical crisis during the school day. Even this listing conveys only a small part of the tremendous responsibilities she has carried.

To think of Elizabeth P. Webb is to be grateful to her for forty-two years of devotion to the school as student, alumna, and Executive Secretary; to salute her heroic accomplishments in fulfilling two roles, one as Director of the office and the other as Custodian of the school plant; and to thank her for the high standards she has always had for 'our' school."

STAT

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100030024-5

Next 10 Page(s) In Document Exempt

Approved For Release 2005/01/27 : CIA-RDP75-00770R000100030024-5